

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Special Agent Adolfo Aviles, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

I, Adolfo Aviles-Hernandez, Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, hereinafter referred to as ATF being duly sworn, depose and state as follows:

1. I am a Special Agent with the ATF and have been so employed since September of 2023. I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy in Glynco, GA, where I received more than 1080 hours of training, including but not limited to firearms ID and handling, executing warrants, defensive tactics, interview techniques, surveillance techniques, undercover operations, investigation techniques, and others. I have a bachelor's degree in criminal justice from the Interamerican University of Puerto Rico.
2. During my employment with the ATF, I have had conversations and worked alongside other experienced local, state and federal law enforcement officers, as well as state and federal prosecuting attorneys concerning violations of firearms and narcotics laws.
3. Through training and investigations, I have taken part in cases relating to the trafficking of firearms, the use and possession of firearms by persons prohibited by law, and the possession of illegal firearms.
4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.
5. I am also familiar with the information contained in this Affidavit, either through personal investigation or through discussions with other law enforcement officers who obtained information

through investigation and surveillance, which they in turn reported to me.

**FACTS SUPPORTING PROBABLE CAUSE**

6. On the morning of April 12, 2025, Carolina Municipal Police Department (CMPD) contacted the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Puerto Rico Group II regarding the arrest of Michael A. CABAN-CANCEL (hereinafter referred as CABAN-CANCEL).
7. According to CMPD, on April 12, 2025, at approximately 5:00 am, CMPD officer Fernando Mendez (Badge#387) and his partner Josban Velez Torres (Badge#280) were conducting “preventative patrol” on Isla Verde Avenue, Carolina, PR, near Hotties Bar and Restaurant.
8. While his police cruiser entered the rear-parking lot of Hotties Bar and Restaurant, Officer Mendez observed an individual, later identified as CABAN-CANCEL, with what he identified as a firearm grip and extended-pistol magazine sticking out of his waistband. Officer Mendez put his police cruiser in park and asked CABAN-CANCEL whether he had a Puerto Rico Firearm’s License. CABAN-CANCEL replied “no” and immediately took off running.
9. Officer Mendez pursued CABAN-CANCEL on foot as he ran from the rear-parking lot of Hotties toward Isla Verde Avenue. During the chase, Officer Mendez observed CABAN-CANCEL reaching for his waist band and observed a pistol magazine dropping to the ground. Officer Mendez caught up to CABAN-CANCEL after a short distance and placed him under arrest in the area between Hotties restaurant and TRYP Hotel. During the search incident to arrest, Officer Mendez recovered a Glock 27 Pistol bearing serial number NNK336 from CABAN-CANCEL’s waist band area. Officer Mendez, once again asked CABAN-CANCEL whether he had a Puerto Rico Firearm’s License for the firearm that was recovered from his person. CABAN-CANCEL replied “No.” According to CMPD Officer Mendez, there was an effort made to recover the magazine that was dropped to the ground however the magazine was not recovered. CABAN-CANCEL was subsequently placed under arrest and transported to the CMPD headquarters in Carolina, PR.

10.CMPD seized the following item from CABAN-CANCEL's Person

- a. One (1) .40 Caliber Glock pistol, model 27, bearing serial number NNK336



11. After CABAN-CANCEL was mirandized by the CMPD, he stated that he was on federal probation and asked if CMPD could help him.
12. After the decision was made for the case to be adopted federally, the ATF mirandized CABAN-CANCEL again. CABAN-CANCEL waived his rights and agreed to speak to ATF agents. CABAN-CANCEL stated that he was speaking to a female near the front entrance of Hotties when he saw a police cruiser pull into the parking lot of Hotties. He then saw multiple individuals throw their firearms in the air and run away from the police. Therefore, he ran also. CABAN-CANCEL stated that he did not have a firearm. CABAN-CANCEL also stated that he had been in prison before for four years. CABAN-CANCEL did not say anything further to the ATF.
13. The investigation revealed that no firearms or ammunition are commercially manufactured in the commonwealth of Puerto Rico. Therefore, the aforementioned firearm and ammunition were shipped or transported in interstate or foreign commerce.

14. According to court documents, CABAN-CANCEL was previously convicted of a crime punishable by imprisonment for a term exceeding one year. Specifically, he was sentenced to serve 60 months and one day in case 19-158(FAB). CABAN-CANCEL is currently on federal supervised release for that case.

**CONCLUSION**

15. Based on the above facts, I respectfully submit there is probable cause to believe that Michael CABAN-CANCEL violated Title 18, United States Code, Section 922(g)(1) (possession of a firearm by a convicted felon).

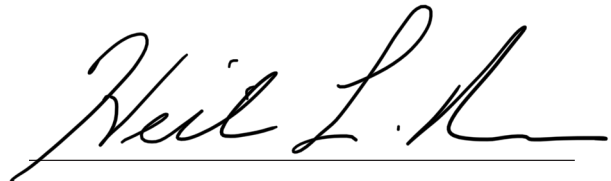
I hereby declare, under penalty of perjury, that the information contained in this Affidavit is known to be true and correct to best of my knowledge.

ADOLFO AVILES-  
HERNANDEZ

Digitally signed by ADOLFO  
AVILES-HERNANDEZ  
Date: 2025.04.12 22:40:51 -03'00'

Adolfo Aviles  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn before me pursuant to FRCP 4.1 at 11:39 AM by telephone, this  
13<sup>th</sup> day of April, 2025.



Hector Ramos-Vega  
United States Magistrate Judge United States  
District Court District of Puerto Rico